IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH;
AT HYDERABAD:

PRESENT:
THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 5264 OF 2006

DATED: FOURTH DAY OF APRIL, 2006

BETWEEN

N.Sashi
Kanth
…Petitioner

And

The Medical Council of India, Alwan-E Galib Marg,
Kotia Road, New Delhi, rep. by its Secretary

…Respondent

HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.5264 OF 2006

ORDER:

This Writ Petition is filed seeking Writ of Mandamus, to direct the respondent to issue Provisional registration Certificate to the petitioner to enable him to complete internship.

The petitioner, after completion of his intermediate course in India, has joined M.B.B.S course in the International Medical & Technological University, Dar-es-Salaam, Tanzania, in the year 1998. It is stated that the International Medical & Technological University, at Tanzania, is a deemed university and recognized

by the Higher Educational Accreditation Council, Tanzania. The petitioner completed M.B.B.S course in November, 2003 and was declared successful by awarding the certificate of Bachelor of Medicine and Batchelor of Surgeon (MBBS). As per the provisions of the Indian Medical Council Act, 1956, a person who is a citizen of India and who obtained medical qualification outside India, is entitle to be enrolled on medical register maintained by a State Medical Council or in the Indian Medical Register on being qualified in the screening test in India, which is prescribed for such purpose. As required, the petitioner has appeared for Screening Test, which is conducted as per Section 13(4A) of the Indian Medical Council Act, 1956, by the National Board of Examinations, Ministry of Health & Family Welfare, Government of India. The National Board of Examinations has certified that the petitioner has passed the screening test conducted by it and it is informed that the petitioner is required to submit the result to the Medical Council of India for the purpose of registration.

In exercise of powers under Section 33 of the Indian Medical Council Act, 1956, the Government of India has framed the Screening Test Regulations, 2002. Regulation 11 of the Screening Test Regulations, 2002, reads as under:

> *"The Prescribed Authority shall intimate the result of the Screening Test to the candidates as well as to the Secretary, Medical Council of India and the State Medical Councils. The unsuccessful candidates shall also be appropriately informed. The candidates who qualify the Screening Test may apply to the Secretary, Medical Council of India, New Delhi or to any State Medical council for provisional registration/permanent registration along with the requisite registration fee in favour of Secretary, Medical Council of India or the State Medical Council. The Medical council of India or the State Medical councils shall issue provisional registration to such successful*

candidates, who are yet to undergo one year internship in an approved institution and issue permanent registration to such eligible candidates who have already undergone one year internship, as the case may be'

After passing the Screening Test conducted by the National Board of Examinations, the petitioner has submitted application on 9-11-2005 to the first respondent, duly enclosing the result of the Screening Test, for grant of provisional registration. It is the grievance of the petitioner that though nearly five months have elapsed, no steps have been taken by the respondent for grant of provisional registration as per the applicable rules. When the matter has come up for hearing, on instructions, learned Standing Counsel for the Indian Medical Council states that the application filed by the petitioner for grant of provisional registration is pending consideration. However, there is no valid explanation for such delay in taking necessary steps for five months.

From the material papers filed along with the Writ Petition, it is evident that the petitioner has passed the screening test conducted by the National Board of Examinations and in the very result, it is informed that the petitioner is required to submit his result to the Medical council of India for the purpose of registration. As per Regulation 11 of the Screening Test Regulations, 2002, the Medical Council of India or the State Medical Council shall issue provisional registration to such successful candidates, who are yet to undergo one year internship in an approved institution and issue permanent registration to such eligible candidates who have undergone one year internship. In view of the above, the petitioner has submitted application to the first respondent on 9-11-2005, enclosing the

result of Screening Test. Even from the instructions of the learned Standing Council, there is no valid explanation for such delay and the application of the petitioner is still pending consideration before the competent authority. In that view of the matter, I dispose of the Writ Petition, directing the first respondent-Government to consider the application of the petitioner dated 9-11-2005 for grant of provisional registration, basing on the result of the screening test conducted by the National Board of Examinations, and pass appropriate orders within a period of four weeks from the date of receipt of this order. However, It is made clear that it is open for the respondent to consider the application for registration on its own merits and subject to compliance of all necessary requirements for such registration.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 04-04-2006.
Msnr